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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,496

07/08/2003

Brian MacIsaac

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9706

21919 7590 01/22/2007  
MEREK, BLACKMON & VOORHEES, LLC  
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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/616,496

**Applicant(s)**

MACISAAC ET AL.

**Examiner**

Michael Y. Won

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the application filed July 8, 2003.
2. Claims 1-19 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Manning et al. (US 6,088,736 A).

### **INDEPENDENT:**

As per **claim 1**, Manning teaches for a telecommunication system connecting a plurality of subscriber lines to a telecommunications network, a common element including a data management agent for distributing data from a source location to a set of hardware entities subtended from said common element, said data management agent comprising:

(a) a transfer agent for retrieving said data from said source location (see Fig.11, "UPSTREAM ELEMENT" and col.3, lines 31-34: "act as a switch");

(b) a buffer pool for storing said data being retrieved (see Fig.10 and col.12, lines 23-30 & 44-49: "the pool 28" being resident within a corresponding downstream element" and col.15, line 1); and

(c) a plurality of download agents (see col.19, lines 33-34: "destination queues"), each for retrieving said data from said buffer pool and transmitting said data being retrieved to a corresponding hardware entity (see col.3, lines 34-36: "which in turn can forward the data to a device").

As per **claim 10**, Manning teaches for a telecommunication system connecting a plurality of subscriber lines to a telecommunications network, a method for distributing data from a source location to a set of hardware entities subtended from a common element, comprising the steps of:

(a) retrieving at said common element said data from said source location (see Fig.11, "DOWNSTREAM ELEMENT" and col.3, lines 39-43);

(b) storing said data in a buffer pool at said common element (see Fig.10 and col.12, lines 23-30 & 44-49: "the pool 28" being resident within a corresponding downstream element" and col.15, line 1); and

(c) transmitting, in parallel (see col.2, lines 2-4: "transmitting parallel updates"), said data from said buffer pool to each hardware entity in said set of hardware entities (see col.3, lines 34-36: "which in turn can forward the data to a device").

As per **claim 19**, Manning teaches for a telecommunication system connecting a plurality of subscriber lines to a telecommunication network, a data carrier embodied in a computer-readable medium, said data carrier including instructions for performing a

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method for distributing data from a source location to a set of hardware entities subtended from a common element, said data carrier comprising:

(a) code for retrieving at said common element said data from said source location (see Fig.11, "DOWNSTREAM ELEMENT and col.3, lines 39-43);

(b) code for storing said data in a buffer pool at said common element (see Fig.10 and col.12, lines 23-30 & 44-49: "the pool 28" being resident within a corresponding downstream element" and col.15, line 1); and

(c) code for transmitting, in parallel (see col.2, lines 2-4: "transmitting parallel updates"), said data from said buffer pool to each hardware entity in said set of hardware entities (see col.3, lines 34-36: "which in turn can forward the data to a device").

**DEPENDENT:**

As per **claim 2**, which depends on claim 1, Manning teaches of further comprising: a plurality of data management agents, each corresponding to one of a plurality of sets of hardware entities, wherein said data management agent is one of said plurality of data management agents (see col.19, lines 33-34).

As per **claims 3 and 12**, which respectively depend on claims 1 and 10, Manning further teaches wherein said buffer pool comprises a plurality of buffers (see Fig.10 and Fig.13B).

As per **claims 4 and 13**, which respectively depend on claims 3 and 12, Manning further teaches wherein a number of said plurality of buffers in said buffer pool is assigned dynamically (see col.11, lines 32-45).

As per **claims 5 and 14**, which respectively depend on claims 3 and 12, Manning further teaches wherein a size of each of said plurality of buffers in said buffer pool is assigned dynamically (see col.13, lines 41-43).

As per claims 6 and 15, which respectively depend on claims 5 and 14, Manning further teaches wherein said size is determined in accordance with an available memory size (see col.13, lines 41-43: "based upon empirical buffer usage data") and a number of data management agents or hardware entities operating simultaneously (see col.13, lines 11-16).

As per **claims 7 and 16**, which respectively depend on claims 1 and 10, Manning further teaches wherein said source location is a file server (see col.3, lines 32-34).

As per **claims 8 and 17**, which respectively depend on claims 1 and 10, Manning further teaches wherein said file server is remotely located (implicit: see col.14, lines 21-23: "internet")

As per **claims 9 and 18**, which respectively depend on claims 1 and 10, Manning further teaches wherein said source location is a previously updated hardware entity (see col.2, lines 2-4: "parallel update").

As per **claim 11**, which depends on claim 10, Manning teaches of further comprising: a plurality of sets of hardware entities, each receiving said data from said source location (see col.3, lines 31-43).

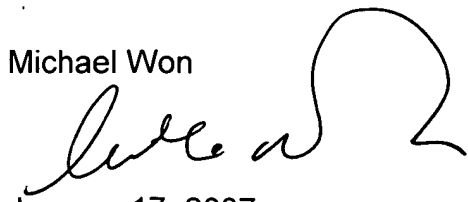
**Conclusion**

4. For the reasons above claims 1-19 has been rejected and remains pending.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won



January 17, 2007